Court No. 2

Civil Revision No. 131 of 2001

(Old No. 518 of 1999)

M/s Basant Agro Form Products Ltd. ……. Revisionist

Vs.

Arun Bhaskar …… Opp. Party.

Hon. P.C.Verma,J.

Learned counsel for the revisionist submits that the revisionist had to lead oral evidence only after filing the documentary evidence. For that purpose, adjournment was sought. The adjournment was refused, evidence was closed and the case was fixed for arguments.

Learned counsel for the petitioner further submits that on account of closure of evidence, the petitioner could not prove the document filed. Therefore, the order by which the evidence has been closed has caused substantial injustice to the revisionist. Therefore, if the order is to stand it would occasion the failure of justice and cause irreparable injury to the revisionist. I find force in the contention of the learned counsel for the revisionist. It is settled law that the parties should be allowed to contest and should be allowed full opportunity to plead their case. Here, by closing the evidence, the revisionist has been deprived of leading evidence that is to say in absence of which he cannot prove his case. Therefore, the order dated 28.10.1999 is set aside. The trial Court is directed to allow the revisionist –plaintiff to lead oral evidence within fifteen days from today and shall conclude the trial of the suit within fifteen days thereafter.

With the aforesaid direction, the revision is disposed of finally.

(P.C.Verma,J.)

13.3.2002
P.Singh